

## YOUNG CONAWAY STARGATT &amp; TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPP  
FREDERICK W. IOBST  
RICHARD H. MORSE  
DAVID C. McBride  
JOSEPH M. NICHOLSON  
CRAIG A. KARNSITZ  
BARRY M. WILLOUGHBY  
JOSY W. INGERSOLL  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DiPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DiLIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH

JANET Z. CHARLTON  
ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAL  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801  
P.O. BOX 391  
WILMINGTON, DELAWARE 19899-0391  
(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253  
110 WEST PINE STREET  
P.O. BOX 594  
GEORGETOWN, DELAWARE 19947  
(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338  
WWW.YOUNGCONAWAY.COM  
DIRECT DIAL: (302) 571-6681  
DIRECT FAX: (302) 576-3333  
msharp@ycst.com

JOSEPH M. BARRY  
SEAN M. BEACH  
SANJAY BHATNAGAR  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DiBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
IAN S. FREDERICKS  
JAMES J. GALLAGHER  
SEAN T. GREECHER  
STEPHANIE L. HANSEN  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER  
JENNIFER M. KINKUS  
EDWARD J. KOSMOWSKI  
JOHN C. KUFFEL

SPECIAL COUNSEL  
JOHN D. McLAUGHLIN, JR.  
KAREN L. PASCALE  
PATRICIA A. WIDDOSS

TIMOTHY E. LENGKEK  
ANDREW A. LUNDGREEN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. McDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
EDMON L. MORTON  
D. FON MUTTAMARA-WALKER  
JENNIFER R. NOEL  
ADAM W. POFF  
SETH J. REIDENBERG  
SARA BETH A. REYBURN  
CHERYL A. SANTANIETTO  
(NJ & PA ONLY)  
MONTE T. SQUIRE  
MICHAEL P. STAFFORD  
CHAD S.C. STOVER  
JOHN E. TRACEY  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2ND

December 13, 2007

**BY E-FILE**

The Honorable Joseph J. Farnan, Jr.  
United States District Court, District of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: *NICE Systems, Inc. and NICE Systems, Ltd. v. Witness Systems, Inc.*  
C.A. No. 06-311 (JJF)

Dear Judge Farnan:

I write on behalf of my clients, Plaintiffs NICE Systems, Inc. and NICE Systems, Ltd. (collectively, "NICE") and on behalf of Defendant Witness Systems, Inc. ("Witness"), represented by William Marsden, Esquire, to transmit the attached December 13, 2007 Revised Joint Claim Construction Chart which has been agreed upon by all counsel of record. It has been revised to eliminate withdrawn claims.

Counsel is available should Your Honor have any questions.

Respectfully,

*Melanie K. Sharp* (mts #4764)

Melanie K. Sharp (No. 2501)

MKS:mts

cc: Clerk of the Court (by Hand Delivery)  
William J. Marsden Jr., Esquire (by Email)  
Monté T. Squire, Esquire

## I. CLAIM CONSTRUCTION AGREED TO BY THE PARTIES

NICE Systems Inc. and Witness Systems Inc. agree to the proposed construction for the following claim terms:

PATENT	RELEVANT CLAIM	CLAIM TERM	PROPOSED CONSTRUCTION
U.S. No. 5,396,371	Claim 8	partition	A portion of a random access storage (RAS) device.
U.S. No. 6,249,570	Claims 6 and 7	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
U.S. No. 6,249,570	Claims 6 and 7	telephone call segment	Portion of a telephone call that is bounded by telephony events.
U.S. No. 6,249,570	Claims 6 and 7	lifetime of the telephone call	An entire telephone call.
U.S. No. 6,249,570	Claim 7	real-time link	A data link providing data regarding telephony events during the call at the occurrence of each telephony event
U.S. No. 6,728,345	Claims 14 and 40*	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
U.S. No. 6,728,345	Claims 14 and 40	telephone call segment	Portion of a telephone call that is bounded by telephony events.
U.S. No. 6,728,345	Claims 14 and 40	lifetime of a telephone call	An entire telephone call.
U.S. No. 6,728,345	Claim 40	participant	An entity that is involved in a phone call which can include people, voice response units or placeholders from parties being placed on hold.
U.S. No. 7,010,109	Claim 1	communication device	A device used for transmitting and/or receiving audio and/or video information.
U.S. No. 7,010,109	Claim 1	conference call	A multi-participant session, even if only two participants are present, one of which is a recording device.
U.S. No. 7,010,109	Claim 1	participant	A communication device or recording device which is present on a conference call.

\* Claim 40 has been withdrawn by NICE as an asserted claim. Dependent Claim 48 is still being asserted and is a claim which depends from claim 40.

DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

There are 24 non-duplicative claim terms in need of construction by the Court. These disputed claim terms along with the parties' respective proposed construction and citation to intrinsic support are set forth below. The parties have jointly filed an appendix containing copies of the intrinsic and extrinsic evidence relied on by each party.

## II. DISPUTED CLAIM TERMS AND PROPOSED CONSTRUCTIONS

U.S. PATENT NO. 5,396,371	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. In a method of storing and retrieving audio from a digital audio logger, the steps comprising:	monitoring an audio source, storing audio data from the audio source in a buffer,	buffer	Memory used for temporary storage of data.	Device in communication with the digital audio tape and the random access storage device that temporarily stores data.
			<u>Intrinsic evidence:</u> Abstract col. 2: 42 col. 2: 45-47 col. 3: 63-65	<u>Intrinsic evidence:</u> '371 Patent, 1:47-54, 2:40-54, 3:63-68, Figure 1, Abstract (WSNSDE0008692-99).
				'371 Prosecution History, Amendment pg. 2, dated June 23, 1994 (WSNSDE0008667-70).
				Magnetic tape designed for storage of audio in digital form.
	<u>writing the audio data from the buffer onto a <u>digital</u> <u>audio tape</u> and a random access storage device, and</u>	digital audio tape	Tape used to store digital data.	<u>Intrinsic evidence:</u> Abstract
				<u>'371 Patent, 1:50-53, 2:47-48, Figure 1 (WSNSDE0008692-99).</u>
		writing the audio data from	NICE has provided constructions for "buffer" and "digital audio	Transferring audio data from the buffer directly to both a digital

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 5,396,371	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		the buffer onto a digital audio tape and a random access storage device	tape." The remaining words have a plain meaning that is clear and do not require further construction. NICE notes that Witness has withdrawn "random access storage device" as a claim term in need of construction.	audio tape and a random access storage device simultaneously.  <u>Intrinsic evidence:</u> '371 Patent, 1:50-53; 3:65-68, Abstract, Figure 1 (WSNSDE0008692-99),
			<u>Intrinsic evidence:</u> See citations to intrinsic evidence for "buffer" and "digital audio tape."	'371 Prosecution History, Amendment pg. 2, dated June 23, 1994 (WSNSDE0008667-70).
				'371 Prosecution History, Notice of Allowability pg. 2, dated September 19, 1994 (WSNSDE0008672-74)
		retrieving audio from the random access storage device while audio data is written into the digital audio tape and the random access storage device.		
		8. An audio data storage device, comprising:		

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 5,396,371	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
a random access storage device having a primary partition for storing audio data and a secondary partition for storing means for locating data on said primary partition and a <b>pair of pointers</b> in communication with said random access memory, a first of said pointers being operated to transmit data to said random access storage device and the second of said pointers being operative to retrieve audio data from said random access storage device.	pair of pointers	Digital information used to read data from and write data to a storage component.	<p><u>Intrinsic evidence:</u></p> <p>Fig. 1</p> <p>col. 1: 55-68</p> <p>col. 2: 48-54</p> <p>col. 4: 1-20</p>	<p>Two pointers facilitating the simultaneous retrieval of data from the random access storage device and the writing of data thereto.</p> <p><u>Intrinsic evidence:</u></p> <p>'371 Patent, Abstract, 1:55-67, 3:2-6, 4:20, 4:35-38 (WSNSD0008692-99).</p> <p>'371 Prosecution History, Amendment pg. 3, dated June 23, 2004 (WSNSD0008667-70).</p> <p>'371 Prosecution History, Notice of Allowability pg. 2, dated September 19, 1994 (WSNSD0008672-74).</p>

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
6. A method for recording information regarding telephone calls comprising one or more segments, comprising:  (a) receiving audio data regarding one or more telephone call segments relating to one or more <b>telephone calls</b> , and data regarding <b>telephony events</b> associated with said telephone call segments;	telephone call	“Telephone calls” has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences.  <u>Intrinsic evidence:</u> ‘570 Patent, col. 8, ll. 5-11 (WSNSDE0009192-254).	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-centered information is not data regarding telephone events.
	telephony events	telephony event	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program.  <u>Intrinsic evidence:</u> Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 34-54 col. 2: 9-24 col. 3: 16-23	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-centered information is not data regarding telephone events.  <u>Intrinsic evidence:</u> ‘570 Patent, 7:11-13; (WSNSDE0009192-254).  ‘345 Prosecution History, Second Preliminary Amendment, pg. 9,

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 6: 35-34 col. 7: 1-59 col. 8: 1-34 col. 8: 35-47 col. 10: 10-30 col. 14: 60 - col. 25: 47 col. 26: 55-64 col. 27: 6-64 col. 30: 16-23 col. 31: 10 - col. 32: 67 col. 62: 2 - col. 64: 34	dated July 23, 2001 (WSNSDE00009486-98).  '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97).  '370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(b) storing the received audio data regarding telephone call segments;				
(c) storing the received data regarding telephony events associated with said telephone call segments;				
(d) identifying telephone call segments that relate to one telephone call; and				
(e) <i>constructing a data representation of a lifetime of the telephone call using data regarding telephony events associated with the telephone call segments of the telephone call</i> , wherein			Digital representation of data.  <u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16	Data structure that represents an object as a single identifiable entity.  <u>Intrinsic evidence:</u> '570 Patent, col. 18, ll. 26-35; 28:40-51. (WSNSDE0009192-254).

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	said data representation comprises, for each segment of the call, the location of the stored audio data of that segment and the start time, end time, and duration of that segment.		<p>Fig. 16b</p> <p>Fig. 18</p> <p>col. 2: 52-3: 23</p> <p>col. 3: 16-23</p> <p>col. 5: 14 - col. 6: 16</p> <p>col. 6: 29-67</p> <p>col. 7: 1-28</p> <p>col. 8: 34-65</p> <p>col. 14: 12-37</p> <p>col. 20: 53 - col. 22: 8</p> <p>col. 24: 35-46</p> <p>col. 25: 48 - col. 26: 8</p> <p>col. 29: 6-15</p> <p>col. 29: 37 - col. 30: 8</p> <p>col. 31: 11 - col. 55: 57</p> <p>col. 62: 2 - col. 64: 34</p>	<p>Call-centric data record of the telephone call that includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. The data representation represents only the telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p><u>Intrinsic evidence:</u></p> <p>Abstract</p> <p>Fig. 10</p> <p>Fig. 16</p> <p>Fig. 16b</p> <p>Fig. 18</p> <p>col. 2: 52 - col. 3: 23</p>
			<p>data representation of a lifetime of the telephone call</p>	<p>Data (e.g., voice information and/or metedata) representing an entire telephone call.</p>

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>col. 3: 16-23</p> <p>col. 5: 14 - col. 6: 16</p> <p>col. 6: 29-67</p> <p>col. 7: 1-28</p> <p>col. 8: 34-65</p> <p>col. 14: 12-37</p> <p>col. 20: 53 - col. 22: 8</p> <p>col. 24: 35-46</p> <p>col. 25: 48 - col. 26: 8</p> <p>col. 29: 6-15</p> <p>col. 29: 37 - col. 30: 8</p> <p>col. 31: 11 - col. 55: 57</p> <p>col. 62: 2 - col. 64: 34</p>	<p><u>Intrinsic evidence:</u></p> <p>‘570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47 – 38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSD0009192 -254).</p>
			<p>constructing a data representation of a lifetime of the telephone call, and call using data regarding telephony events associated with the telephone call segments of the telephone call</p>	<p>NICE has provided constructions for “data representation of a lifetime of the telephone call,” “telephony events,” “telephone call segments” and “telephone call.” The remaining words have a plain meaning that is clear and do not require further construction.</p> <p><u>Intrinsic evidence:</u></p> <p>See citations to intrinsic evidence for “data representation of a lifetime of the telephone call,” “telephony events,” “telephone call segments” and “telephone call.”</p>

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				dated July 23, 2001 (WSNSDE0009486-98).

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
14. A method for recording information regarding telephone calls with three or more participants and comprising one or more participants and comprising one or more telephone call segments, comprising:				
				<p>Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events.</p> <p><u>Intrinsic evidence:</u></p> <p>Abstract</p> <p>Fig. 4</p> <p>Fig. 6</p> <p>Fig. 7</p> <p>Fig. 9</p> <p>col. 1: 37-57</p> <p>col. 2: 12-27</p> <p>col. 3: 16-26</p>

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 7: 1-59 col. 8: 1-34 col. 8: 35-47 col. 10: 11-34 col. 14: 65 - col. 25: 39 col. 26: 47-55 col. 26: 66 - col. 27: 56 col. 30: 8-15 col. 31: 4 - col. 32: 61 col. 64: 55 - col. 68: 42	'345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98).
				'706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97).
				'370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
	(c) storing the received audio data regarding telephone call segments;			
	(d) storing the received data regarding telephone events associated with said telephone call segments;			
	(e) identifying <b>telephone call</b> segments that relate to the same telephone call; and		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.
				Entire conversation with an entity from a caller's perspective, including transfers and conferences.
				<u>Intrinsic evidence:</u> '570 Patent, col. 8, ll. 5-11. (WSNSDE0009192-254).

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION	
(f) constructing <i>data representations of lifetimes of telephone calls</i> , wherein said data representations are constructed using data regarding telephony events associated with telephone call segments.	data representations	Digital representation of data.	<p>Intrinsic evidence:</p> <p>Abstract</p> <p>Fig. 10</p> <p>Fig. 16</p> <p>Fig. 16b</p> <p>Fig. 18</p> <p>col. 2: 55 - col. 3: 26</p> <p>col. 3: 16-26</p> <p>col. 5: 15 - col. 6: 16</p> <p>col. 6: 29-67</p> <p>col. 7: 1-28</p> <p>col. 8: 34-65</p> <p>col. 14: 18-43</p> <p>col. 20: 56 - col. 21: 7</p> <p>col. 24: 30-41</p> <p>col. 25: 40-67</p> <p>col. 28: 66 - col. 29: 8</p> <p>col. 29: 29-67</p> <p>col. 31: 4 - col. 58: 64</p> <p>col. 64: 55 - col. 68: 42</p>	<p>'345 Patent, col. 8, ll. 5-11. (WSNSDE0009547-611).</p> <p>Data structure that represents an object as a single identifiable entity.</p> <p>Intrinsic evidence:</p> <p>'570 Patent, col. 18, ll. 26-35; 28:40-51. (WSNSDE0009192-254).</p> <p>'345 Patent, col. 18, ll. 27-361 28:32-44. (WSNSDE0009547-611).</p>	<p>Call-centric data records of the telephone calls, where each record includes a detailed cumulative start-</p> <p>data representations of lifetimes of</p>

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	telephone calls	call.	<p>Intrinsic evidence:</p> <p>Abstract</p> <p>Fig. 10</p> <p>Fig. 16</p> <p>Fig. 16b</p> <p>Fig. 18</p> <p>col. 2: 55 - col. 3: 26</p> <p>col. 3: 16-26</p> <p>col. 5: 15 - col. 6: 16</p> <p>col. 6: 29-67</p> <p>col. 7: 1-28</p> <p>col. 8: 34-65</p> <p>col. 14: 18-43</p> <p>col. 20: 56 - col. 21: 7</p> <p>col. 24: 30-41</p> <p>col. 25: 40-67</p> <p>col. 28: 66 - col. 29: 8</p> <p>col. 29: 29-67</p> <p>col. 31: 4 - col. 58: 64</p> <p>col. 64: 55 - col. 68: 42</p>	<p>to-finish history of a telephone call, including all telephony events and participants. Each data representation represents only a single telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p>Intrinsic evidence:</p> <p>‘570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 30:19-23; 33:17-20; 36:23-27; 36:47 – 38:65; 42:21-25; 54:18-26; Figs. 16, 16B 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254).</p> <p>‘345 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:34-38; 21:62-22:4; 30:11-15; 33:12-15; 36:23-26; 36:46-38:65; 43:48-53; 56:56-64; Figs. 16, 16B: 7:13-16; 20:37-63; 20:44-47; 26:9-12; 27:9-16; 28:37-40; 30:11-15. (WSNSDE0009547-611).</p>
			wherein said data representations are constructed	NICE has provided constructions for “data representation,” “telephony events,” and “telephone call segments.” The remaining

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	using data regarding telephony events associated with telephone call segments	words have a plain meaning that is clear and do not require further construction.	Intrinsic evidence: See citations to intrinsic evidence for data representation, "telephony events," and "telephone call segments."	Intrinsic evidence: '570 Patent, 20:15-32; 26:55 – 27:6; 27:29-64; 31:39 – 32:50. (WSNSDE0009192-254).
40. A method for recording information regarding telephone calls comprising one or more telephone call segments, wherein said calls comprise calls wherein at least one participant participates in a plurality of segments, comprising:			'345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98).	
	(a) receiving audio data regarding one or more telephone call segments and data regarding telephone events associated with said telephone call segments;			
	(b) storing the received audio data regarding telephone			

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
call segments;	telephony events	telephony event	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program.	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events.
(c) storing the received data regarding <b>telephony events</b> associated with said telephone call segments;			<p><u>Intrinsic evidence:</u></p> <p>Abstract</p> <p>Fig. 4</p> <p>Fig. 6</p> <p>Fig. 7</p> <p>Fig. 9</p> <p>col. 1: 37-57</p> <p>col. 2: 12-27</p> <p>col. 3: 16-26</p> <p>col. 7: 1-59</p> <p>col. 8: 1-34</p> <p>col. 8: 35-47</p> <p>col. 10: 11-34</p> <p>col. 14: 65 - col. 25: 39</p> <p>col. 26: 47-55</p> <p>col. 26: 66 - col. 27: 56</p> <p>col. 30: 8-15</p> <p>col. 31: 4 - col. 32: 61</p> <p>col. 64: 55 - col. 68: 42</p>	<p><u>Intrinsic evidence:</u></p> <p>'570 Patent, 7:11-13; (WSNSDE0009192-254).</p> <p>'345 Patent, 7:11-13. (WSNSDE0009547-611).</p> <p>'345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98).</p> <p>'706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97).</p> <p>'370 Prosecution History, Second</p>

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDDE0010051-56).	
(d) identifying telephone call segments that relate to one telephone call;	telephone call	“Telephone call” has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller’s perspective, including transfers and conferences.	<u>Intrinsic evidence:</u> ‘570 Patent, col. 8, ll. 5-11. (WSNSDDE0009192-254).
(e) identifying multiple call segments that have the same participant; and			‘345 Patent, col. 8, ll. 5-11. (WSNSDDE0009547-611).	
(f) constructing <u>data representations of lifetimes of telephone calls</u> , wherein each data representation of a telephone call is constructed using data regarding telephony events associated with the telephone call segments of the telephone call.		data representations	Digital representation of data.	<u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 26 col. 3: 16-26 col. 5: 15 - col. 6: 1 16

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>col. 6: 29-67</p> <p>col. 7: 1-28</p> <p>col. 8: 34-65</p> <p>col. 14: 18-43</p> <p>col. 20: 56 - col. 21: 7</p> <p>col. 24: 30-41</p> <p>col. 25: 40-67</p> <p>col. 28: 66 - col. 29: 8</p> <p>col. 29: 29-67</p> <p>col. 31: 4 - col. 58: 64</p> <p>col. 64: 55 - col. 68: 42</p>	<p>Call-centric data record of the telephone calls, where each record includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. Each data representation represents only a single telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p>Intrinsic evidence:</p> <p>Abstract</p> <p>Fig. 10</p> <p>Fig. 16</p> <p>Fig. 16b</p> <p>Fig. 18</p> <p>col. 2: 55 - col. 3: 26</p> <p>col. 3: 16-26</p> <p>col. 5: 15 - col. 6: 16</p> <p>col. 6: 29-67</p> <p>col. 7: 1-28</p>
				<p>Intrinsic evidence:</p> <p>‘570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 30:19-23; 33:17-20; 36:23-27; 36:47 – 38:65; 42:21-25; 54:18-26; Figs. 16, 16B;</p>

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>col. 8: 34-65</p> <p>col. 14: 18-43</p> <p>col. 20: 56 - col. 21: 7</p> <p>col. 24: 30-41</p> <p>col. 25: 40-67</p> <p>col. 28: 66 - col. 29: 8</p> <p>col. 29: 29-67</p> <p>col. 31: 4 - col. 58: 64</p> <p>col. 64: 55 - col. 68: 42</p>	<p>7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254).</p> <p>'345 Patent, 5:20-23; 6:10-11; ; 7:11-28; 8:1-16; ; 8:35-47; 20:34-60; 21:34-38; 21:62-22:4; 30:11-15; 33:12-15; 36:23-26; 36:46-38:65; 43:48-53; 56:56-64; Figs. 16, 16B; 7:13-16; 20:37-63; 20:44-47; 26:9-12; 27:9-16; 28:37-40; 30:11-15. (WSNSDE0009547-611).</p> <p>Using data regarding telephony events to associate two or more segments of a telephone call to form a data representation of the lifetime of the telephone call, and not using identifier or key to form the data representations.</p> <p><u>Intrinsic evidence:</u></p> <p>See citations to intrinsic evidence for "data representation," "telephony events," "telephone call segments" and "telephone call." The remaining words have a plain meaning that is clear and do not require further construction.</p> <p><u>Intrinsic evidence:</u></p> <p>See citations to intrinsic evidence for "data representation," "telephony events," "telephone call segments" and "telephone call."</p> <p>'570 patent, 20:15-32; 26:55 – 27:6; 27:29-64; 31:39 – 32:50. (WSNSDE0009192-254).</p> <p>'345 Patent, 20:18-36; 26:47-65; 27:21-56; 31:32-32:31. (WSNSDE0009547-611).</p> <p>'345 Prosecution History, Second</p>

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDDE00009486-98).

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U.S. PATENT NO. 6,775,372	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A multi-stage data logging system comprising:				
a) a <b>telecommunications ("telecom") stage</b> receiving input from a plurality of communication channels;	telecommunications ("telecom") stage	telecommunications ("telecom") stage	The stage that serves to capture and pre-process signals from two or more communication channels and interfaces with the recorder stage.	Device that receives input from communication channels passively, and is not part of the communications system.
			Intrinsic evidence: Figs. 4-6 col. 6: 61-69 col. 7: 51 - col. 9: 53 '372 Prosecution History, Response, pp. 9-11 (Oct. 2001)	'372 Patent, 2:57-64, 3:2-6, 7:60-8:5, 9:11-60 (W SNSDE0009798-813).
				'372 Prosecution History, Amendment pgs. 9-10, dated September 24, 2001 (W SNSDE0009690-704).
b) a recorder stage having one or more recorders, at least one recorder logging data associated with information transmitted on at least one of said plurality of communication channels;				
c) a <b>distribution stage</b> providing access to data logged in the recorder stage;	distribution stage			The stage that serves for retrieval of recorded information and providing it in a human recognizable form and/or serves for archiving the
				Plain meaning.

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,775,372	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			recorded information to removable storage.	
			<u>Intrinsic evidence:</u> Figs. 4-6 col. 3: 17-24 col. 3: 45-48 col. 6: 68 - col. 7: 10 col. 7: 20-28 col. 11: 42 - col. 12: 68 col. 14: 11-40 '372 Prosecution History, Response, p. 9 (Oct. 2001) '372 Prosecution History, Response, pp. 4-6 (Jun. 2003)	
			c) a first interface linking the telecom and the recorder stages and a second interface linking the recorder and the distribution stages;	
			wherein at least two stages of the system are physically separable and in operation can be located wide distances apart.	
			33. The data logging system of claim 32, wherein the network server is a <b>Web server</b> .	Web server A computer that provides access to information accessible from a computer connected to the Internet A computer that receives a request for stored data, retrieves the stored data, and transfers the data over the

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,775,372	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		or an intranet.	<p><u>Intrinsic evidence:</u></p> <p>Figs. 4-6 col. 4: 51-60 col. 7: 20-28 col. 10: 57-59 col. 12: 12-53 col. 14: 11-40</p> <p>'372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE00009690-704).</p> <p>'372 Prosecution History, Response, p. 13 (Oct. 2001)</p>	<p><u>Intrinsic evidence:</u></p> <p>'372 Patent, 4:51-58, 12:11-43 (WSNSDE00009798-813).</p> <p>World Wide Web.</p>

U.S. PATENT No. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A method for accessing information in at least one digital logger storing data associated with input from a plurality of input channels, comprising:	at a <b>Web server</b> having access to said at least one <b>digital logger</b> , receiving a <b>request for retrieval of stored data</b> from a client;	Web server	A component that provides access to information accessible for a computer connected to the Internet or an intranet.	Computer that receives a request for stored data, retrieves the stored data, and transfers the data over the World Wide Web.
			<p><u>Intrinsic evidence:</u></p> <p>Fig. 6 col. 4: 66-67 col. 5: 1-12 col. 12: 65 - col. 13: 55 col. 15: 7-36</p>	<p><u>Intrinsic evidence:</u></p> <p>‘920 Patent, 4:66-67; 5:1-8, 13:3-39; 15:6-20, 15:30-33 (WSNSDE0010348-63).</p> <p>‘372 Patent, 4:51-58, 12:11-43 (WSNSDE0009798-813).</p> <p>‘372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704)</p> <p>‘920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).</p>
		digital logger	digital logger	A device, system or software for

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			recording, in digital form, audio data representing multiple concurrent telephone calls.	recording audio in digital form.  <u>Intrinsic evidence:</u> '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6:56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WSNSDDE0010348-3633).
			'372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	'920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDDE0010247-55).
			receiving a request for retrieval of stored data	This claim phrase has a plain meaning that is clear and does not require construction.  <u>Intrinsic evidence:</u> Figs. 4-6 col. 4: 29-33 col. 4: 57-67 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28
	<b>retrieving stored data in accordance with the</b>		retrieving stored data	This claim phrase has a plain meaning that is clear and does not The Web server retrieves data stored in the digital logger.

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
received request; and			require construction.	Intrinsic evidence: ‘920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:14-28; 15:17-20 (WSNSDE0010348-363).
transferring the retrieved data to the client.		transferring the retrieved data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server sends the data retrieved from the digital logger.
16. A method for accessing information stored by at least one digital logger storing data associated with input from a plurality of communication				Intrinsic evidence: ‘920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
channels, comprising:  at a <b>Web server</b> having access to said information stored by at least one <b>digital logger</b> over a communications network, receiving a request for retrieval of stored data from a user;	Web server	A component that provides access to information accessible for a computer connected to the Internet or an intranet.	Computer that receives a request for stored data, retrieves the stored data, and transfers the data over the World Wide Web.	Intrinsic evidence:  '920 Patent, 4:66-67; 5:1-8, 13:3-39; 15:6-20, 15:30-33 (WSNSDE0010348-63);  '372 Patent, 4:51-58, 12:11-43 (WSNSDE0009798-813).
				'372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704)
				'920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).
			A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls.	A device, system or software for recording audio in digital form.
			Intrinsic evidence:  '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31,	Intrinsic evidence:  '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31,

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 5: 1-12 col. 6: 66 - col. 7: 16 '372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	13:3-7, 13:21-28, (WSNSDE0010348-363).
		receiving a request for retrieval of stored data	This claim phrase has a plain meaning that is clear and does not require construction.	'920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).
	<b>retrieving said stored data</b> from said information in accordance with the received request; and		<p><u>Intrinsic evidence:</u></p> <p>Figs. 4-6 col. 4: 29-33 col. 4: 57-67 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28</p> <p>retrieving stored data</p>	<p>The Web server receives a request for retrieval of data stored in the digital logger.</p> <p><u>Intrinsic evidence:</u></p> <p>'920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).</p> <p>The Web server retrieves data stored in the digital logger.</p> <p><u>Intrinsic evidence:</u></p> <p>'920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).</p>

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28	
	<b>transferring the retrieved data to the client.</b>	transferring the retrieved data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server sends the data retrieved from the digital logger.
			<u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67, 5:5-6; 13:14-28; 15:17-20 (WSNSDE0010348-363).	<u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67, 5:5-6; 13:14-28; 15:17-20 (WSNSDE0010348-363).
21. The method of claim 16 wherein the step of <b>retrieving stored data</b> comprises accessing archived data at the <b>Web server</b> corresponding to a <b>record of a communication channel</b> made by said at least one <b>digital logger</b> .		retrieving stored data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server retrieves data stored in the digital logger.
			<u>Intrinsic evidence:</u> Figs. 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28	<u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 13:14-28(WSNSDE0010348-363).

## DECEMBER 13, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			claims 2-6, 16-28	A computer that receives a request for stored data, retrieves the stored data, and transfers the data over the World Wide Web.
		Web server	A component that provides access to information accessible for a computer connected to the Internet or an intranet.	<p><u>Intrinsic evidence:</u></p> <p>Fig. 6 col. 4: 66-67 col. 5: 1-12 col. 12: 65 - col. 13: 55 col. 15: 7-36</p> <p>‘372 Patent, 4:51-58, 12:11-43 (WSNSDE0009798-813).</p> <p>‘372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704);</p> <p>‘920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).</p> <p>Record corresponding to a communication channel.</p> <p><u>Intrinsic evidence:</u></p> <p>col. 1: 40-52 col. 2: 7-16</p>

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		col. 2: 37-38 col. 3: 1-4 col. 5: 1-12 col. 8: 11-25 col. 9: 18-21 col. 10: 30-41 col. 11: 10-41 col. 13: 7-13		<u>Intrinsic evidence:</u> '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7-9-14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WSNSDE0010348-363).
		digital logger	A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls.	<u>Intrinsic evidence:</u> '920 Patent History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).

U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A method for recording at least a portion of one or more of a plurality of IP data sessions, each being between at least a first communication device and a second communication device through a network by a recording device, comprising for each IP data session:				
initiating the data session by said first communication device with said second communication device;	conference controller	conference controller	A component that initiates, enables and/or establishes a conference call.	<p><u>Intrinsic evidence:</u></p> <p>Device that initiates, establishes and enables a conference call.</p> <p><u>Intrinsic evidence:</u></p> <p>‘109 Patent, 5:6-10; 5:46-52; 6:17-32; 6:58-63 (Wsnsde0010653-67).</p> <p>Prosecution History of U.S. Pat. No. 7,010,106 (‘106 Prosecution History), Response to Final, pg. 20-21, dated September 11, 2005 (Wsnsde051234-55).</p>

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 26-27, dated October 6, 2005 (WSNSDE0010597-625).
		through a conference controller	By use of a conference controller.  <u>Intrinsic evidence:</u>  col. 5: 9-14	The data packet transmissions of the IP data session pass through the conference controller.  <u>Intrinsic evidence:</u>  '124 Application, pg. 3; (WSNSDE051300-22).
				'109 Patent, 2:5-12; 2:27-31; 5:2-10; 5:22-6:2; 6:17-32; 6:58-63 (WSNSDE0010653-67).
				'106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72).
				'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 26-27, dated October 6, 2005 (WSNSDE0010597-625).
	using the conference controller, selectively  <u>entering the recording device</u> to said conference call as an additional	recording device	A device which records IP audio and/or video data.  <u>Intrinsic evidence:</u>	Participant to a session that receives data for recording and monitoring and does not require an additional connection or port in the network.

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
<p><b>participant</b>, wherein the recording device is distinct from the first and second communication devices yet receives as the additional participant at least the portion of the IP data session from each of the first and second participants; and</p>			<p>entering the recording device to said conference call as an additional participant</p>	<p>NICE has provided constructions for "recording device," "conference call," and the parties have agreed to a construction for "participant." The remaining words have a plain meaning that is clear and do not require further construction.</p>
			<p>Intrinsic evidence: See citations to intrinsic evidence for "recording device" and "conference call."</p>	<p>Intrinsic evidence: This is based on the plain language of the claim.</p>
		IP data session	<p>Communication which includes transmission of IP audio and/or video data.</p>	<p>Intrinsic evidence: '109 Patent, col. 1, ll. 38-55; 2:5-12; 3:15-25; 3:36-43; 4:9-16; 4:65-5:5; 5:22-39; 5:53-6:2; 6:11-13;</p>

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 4: 9-24	6:17-32; (WSNSDDE0010653-67).
				<p>‘106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDDE051165-72), Response, pg. 9; dated April 14, 2005 (WSNSDDE051208-16), Response to Final, pg. 20-21, dated September 11, 2005 (WSNSDDE051234-55).</p> <p>‘109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 25-26, dated October 6, 2005. (WSNSDDE0010597-625).</p> <p>All the data packets transmitted between the first and second participants during the part of the IP data session being recorded.</p> <p>Intrinsic evidence:</p> <p>col. 3: 23-25 col. 7: 6-7</p>

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>‘106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSD051165-72), Response, pg. 9; dated April 14, 2005; (WSNSD051208-16), Response to Final, pg. 20-21, dated September 11, 2005; (WSNSD051234-55).</p>	<p>‘109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 25-26, dated October 6, 2005. (WSNSD0010597-625).</p>
		recording at least the portion of the IP data session received as the additional participant of said conference call using said recording device.		